

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America

v.

Thomas Arthur VanDuinen

Case No. 23-mj-30160

Judge: Morris, Patricia T.

Filed: 04-17-2023

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of March 1, 2020 to August 31, 2020 in the county of Alpena in the
Eastern District of Michigan, the defendant(s) violated:

<i>Code Section</i>	<i>Offense Description</i>
18 U.S.C. § 2251(a)	Sexual exploitation of a minor

This criminal complaint is based on these facts:

See attached affidavit.

Continued on the attached sheet.

Sworn to before me and signed in my presence
and/or by reliable electronic means.

Date: April 17, 2023

City and state: Bay City, Michigan



Amanda Thomas
Complainant's signature

Amanda Thomas, Special Agent, FBI
Printed name and title



Patricia T. Morris
Judge's signature

Patricia T. Morris, United States Magistrate Judge
Printed name and title

AFFIDAVIT

I, Amanda Thomas, being duly sworn, do hereby state as follows:

1. I am a Special Agent with the Federal Bureau of Investigation (FBI) and have been employed since August 1, 2021. I am presently assigned to the FBI's Detroit Field Office, Bay City Resident Agency. I work on a variety of criminal matters including the investigation of violent crimes and crimes against children. I have received training in the area of child pornography and child exploitation and have observed and reviewed examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have been involved with investigations regarding child pornography and the exploitation of children through the internet. I have received training on the execution of search warrants to seize items of evidence from residences, communication providers, and electronic devices, such as cell phones and computers.

2. This affidavit is being submitted for the purpose of obtaining a criminal complaint and arrest warrant for Thomas VanDuinen in violation of 18 U.S.C. § 2251(a), sexual exploitation of a minor.

3. The information set forth in this affidavit was obtained during the course of my employment with the FBI, through personal observation, witness statements, information supplied by other local and federal law enforcement

officers and/or through other investigative activity. The information in this affidavit is included for the limited purpose of showing probable cause and this affidavit does not contain all the information related to this investigation.

Probable Cause

4. On or about February 10, 2021, the Michigan State Police received a complaint from a 17-year-old female (hereinafter referred to as MV-1). MV-1's actual identity is known to law enforcement. MV-1 reported that she had been sexually assaulted by "Tom", an individual later identified as Thomas Arthur VanDuinen (DOB XX/XX/1952). During the investigation, MV-1 stated that VanDuinen had had sex with her multiple times, including at a location referred to as VanDuinen's "shop." MV-1 also reported that VanDuinen gave her drugs.

5. On or about February 17, 2021, the Michigan State Police executed search warrants in Alpena, Michigan, at VanDuinen's residence and his shop. Digital and physical evidence was seized during the execution of the search warrants.

6. A computer tower was seized from VanDuinen's residence. The computer tower was analyzed by the Michigan State Police, Computer Crimes Unit. The computer tower was determined to be running Microsoft Windows with an owner name of "Tom." The primary username associated with the device was "Tom." Videos and images were located on this computer tower that depicted

different males engaging in sexual acts with MV-1, including oral and penetrative sex. The videos had associated dates between in or around March 2020 and in or around August 2020, when MV-1 was 16 years old. The videos constitute child pornography as defined by 18 U.S.C. § 2256, i.e., visual depictions of a minor engaging in sexually explicit conduct.

7. MV-1 was identified in the videos by her face, clothing, markings on her body, and other features. The majority of images and videos appear to have been taken at VanDuinen's shop in Alpena, Michigan, based on the background and other items shown in the videos. The videos appear to have been taken by a third-party. One such video depicts MV-1 and a white male engaged in sexual intercourse. During the video, the apparent video operator turns the camera upon himself and smiles. The video operator was identified as VanDuinen.

Conclusion

17. Based upon the above information, I respectfully submit that there is probable cause to believe that Thomas Arthur VanDuinen violated 18 U.S.C. § 2251(a) (sexual exploitation of a minor).



Amanda Thomas
Special Agent, FBI

Sworn to and subscribed before me and/or by reliable electronic means on

April 17, 2023



Patricia T. Morris
United States Magistrate Judge